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ABSTRACT

This document has four stated purposes: (1) to conform with Alaska state regulations requiring the establishment of guidelines on student rights and responsibilities; (2) to bring forth critical points of law in this area; (3) to provide examples of inappropriate policy; and (4) to provide local school districts with the criteria the state will apply in its review of local guidelines. Areas covered include right to a free education; attendance, suspension and expulsion; freedom of speech, expression, writing, and dress; guarantee of due process; married students, open records and student privacy. In each area relevant laws are briefly reviewed and explained. Examples of unacceptable policies are given, and explanations presented for their unacceptability. An outline for Board/Attorney discussions in case of disciplinary suspension is given. The total work attempts to clarify and make explicit the rights and responsibilities of the student citizen. (Author/BP)

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guidelines on student rights and responsibilities

AS ISSUED BY THE ALASKA DEPARTMENT OF EDUCATION

CG011643

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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I. PREFACE

It is the position of the Department that a document restricted to a recitation of points of law would be less than ideal. It was therefore determined that these guidelines should serve four purposes.

The first purpose is to conform with state regulations as delineated in Appendix A.

The second purpose is to bring forth, in a general manner, critical points of law affecting the area of student rights and responsibilities. A note of caution would be appropriate in this matter in terms of current law. In recent years the amount and significance of court involvement in education has escalated. There is every reason to assume that this involvement will continue. Frequent changes in law in terms of new rulings will necessitate that each district make every effort to remain knowledgeable as to the potential and actual effects of these changes. The interpretations of law as contained in this document do not constitute formal legal opinion. Many of the court rulings referenced in these guidelines are the result of litigation which occurred in other states. While an attempt has been made to stay within the boundaries of Federal and Alaskan rulings to insure greater applicability of legal findings, relevance to a local situation may be a judgment which requires the advice of competent legal counsel.

The third purpose of these guidelines is to provide, through example, illustrations of inappropriate policy. Inappropriate policy is often characterized by being vague, arbitrary, illegal,

or unenforcable. It is hoped that the examples will be of some assistance to the district as it attempts the important and difficult task of developing sound statements of policy.

The fourth purpose is to provide the district with the criteria which the State intends to apply as it reviews local guidelines. While the concluding section of this document is devoted to the topic of approval criteria, the section in question is derived from the pages which precede. The content in these pages should be reviewed with three ideas in mind. First, where findings of law are discussed it is expected that the district will avoid the establishment of any policy which is contradictory to those findings. Second, any comments in the nature of recommendations are just that, i.e., they are not binding on the district. Third, local policy should attend, at a minimum, to the subject areas contained in Section III of this document.

The reader will note that the district faces a difficult task in operationally defining such terms as "obscene" or "disruptive". For this and other reasons, it cannot be stressed too strongly that the content of local policy requires broad-based input.

As relevant changes in law occur, and as the Department attempts to upgrade this document on the basis of experience and recommendations, replacement pages will be issued. It is hoped that this will provide a means for ensuring that the content of the State guidelines does not become outdated.

II. INTRODUCTION

Right to an Education

Every student of school age has the right to a free public school education. The point to remember is that, -- in a technical sense, -- public school attendance is a right and not a privilege.

Article VII of the Alaska Constitution reads, in part, that, "The Legislature shall by general law establish and maintain a system of public schools open to all children of the state."

While the courts and state lawmakers have recognized the importance of the right of a student to a public education, they also recognize that this right involves both duties and responsibilities.

Mandatory Attendance

Obtaining an education is seen as a duty, and compulsory education is not a denial of personal rights (6). It is well within the State's prerogative to insist that every child of school age attend school. While other than public school education may be deemed equivalent, equivalency is defined by the State and no parent or child may willfully avoid all forms of state approved education.

Student Responsibilities and Rights

The content of student responsibilities has not been made as explicit in law as have their rights. Nonetheless, the courts have clearly recognized that students do have responsibilities. Self-restraint, self-discipline, tolerance, and respect for duly constituted authority are examples of these responsibilities (8).

The courts have been particularly adamant about denying public school students license to disrupt or to show disregard for the rights and dignity of others (4).

The U.S. Supreme Court has established, in a clear and understandable manner, the general context for interpreting questions of student rights and responsibilities.

> "In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are 'persons' under our Constitution. They are possessed of fundamental (inalienable) rights which the state must respect, just as they themselves must respect their obligations to the state "(18).

III. FREEDOMS AND RIGHTS

1. Freedom of Expression

In the most basic sense possible the U.S. Supreme Court has determined that students are citizens and their rights under Article I (freedom of speech) are no different than they are for any other citizen. That the right does not allow a student to create disorder or conduct himself in a threatening manner has been clearly established (7, 15). This does not, however, give any State, district or school official the authority to deprive students of their constitutional rights (9), and the denial of the right of a student to express himself must be based on, "...something more than a mere desire to avoid the discomfort and unpleasantness that always accompany an unpopular viewpoint" (18). In addition, the position of the courts has been that freedom of speech is to be extended in principle to all forms of self-expression. This includes the written word, the wearing of symbols, personal dress, and hair length.

2. Freedom of Speech

Student citizens are entitled to express verbally their personal opinions and beliefs, being responsible, to one degree or another, for the abuse of that right. Their expression of personal opinions should not interfere with the freedom of others to express themselves, nor should the speech be delivered with the stated intent to incite riot. In addition, some districts have chosen to make explicit their objection to slanderous or obscene statements.

It is important to recognize that the local district must

come to grips with the problem of defining both obscenity and slander. If students and others have no way of knowing what school authorities mean by these terms then the district could encounter the problem of arbitrariness in the application of policy.

UNACCEPTABLE STATEMENT OF POLICY

- Students can express their opinions as long as the opinions reflect good taste, and are in harmony with school policy. In addition, the administrator may hold the student responsible for acceptable speech both on and off the school grounds.

In this example "good taste" is both vague and arbitrary; insistence that the speech be in harmony with school policy is a violation of the 1st Amendment, and the last sentence is probably unenforceable.

3. Freedom to Write

It has been established that the guidelines of the Tinker case are clearly applicable to student publications. The result is that school authorities do not have either the duty or the right to unrestricted control of the content of student publications (1, 19).

The degree of control which can be exercised is affected by whether or not the publication is an integral portion of a school program, such as a course of study in journalism (19). If the publication is a part of the educational curriculum* school authorities may have prior review and approval of content (11). However, the process of review must be reasonable and timely,

* defined as planned, formal instruction

and the criterion for acceptability of content must be known.

The courts have been particularly unwilling to impose any constraints on content critical of political candidates, political issues, school officials, or school policy (1). They have, however, been willing to deny students the freedom to indulge in vulgarity when the content has been held to be vulgar by more than just a few individuals (2).

The distribution of publications which are produced off school property may be controlled by fair regulation and policy. The distribution of handbills, etc., can be reasonably regulated as to place, time, and circumstance.

In terms of both in-school and out-of-school publications districts have found it difficult to substantiate that an objectionable publication has proven to be "disruptive" of school processes.

Given that publications are, by their nature, particularly troublesome in terms of designing fair and legal policy, the following constitutes two recommendations which a district may or may not choose to follow.

The first of these recommendations is that the district subscribe to the Canons of Journalism (American Society of Newspaper Editors). The second recommendation is that the district establish a committee composed of students, teachers, administrators, board members, and members of the community to develop standards and guidelines as to acceptable journalism and the definition of such abstract terms as "obscenity". (20,15) "vulgarity", "inflammatory", and "literary value". Such guidelines would be made known to all members of the school community.

UNACCEPTABLE POLICY

The school newspaper shall not contain content which is critical or supportive of a particular political position.

A policy statement such as this would probably be in violation of the 1st Amendment.

UNACCEPTABLE POLICY

The content of the school newspaper must be approved by the Superintendent.

This policy is both vague and arbitrary. Questions one might ask would be: Is the approval before or after publication What criterion will the Superintendent use as he makes his decision? How quickly will the superintendent make a decision?

4. Freedom of Symbolic Expression and Dress

Student citizens have the right to wear symbolic buttons, arm bands, flags, or decals, which may not be limited without clear evidence that they will "materially and substantially interfere with the rights of others or the orderly process of the school" (18). Student dress and grooming, including hair length, is basically a responsibility of the student and his parents. Hair and clothing should not pose a health or safety hazard to the student or others, nor should it be disruptive. Any fair and reasonable rule on symbolic expression and dress must be equally applied to all students (14). With the possible exception of ROTC, no student may be barred from participation in a school activity because of hair or clothing style (5). In view of this fact, questions of "good grooming' are not applicable except in terms of health, safety, or the degree to which the

dress or clothing interfere with the educational process.

No student may be required to salute the flag or participate in the Pledge of Allegiance (3, 21).

UNACCEPTABLE POLICY

All students are to maintain standards of good grooming.

This statement is not necessarily repressive or conformist. For all anyone would know it may permit the most outrageous and disruptive of dress. The problem arises in the vagueness and unenforceable nature of undefined terms such as "standards" and "good grooming".

5. Freedom to Assemble and Petition for Redress of Grievances

The right of students to peaceably assemble and to petition school authorities for a redress of grievances is clearly established in the 1st Amendment.

UNACCEPTABLE POLICY

The students have the right to assemble and meet anytime and in any fashion they so choose as long as they have approval from the school board.

A statement such as this is unacceptable on a number of grounds. First, there is a failure to assign -- even implicitly-- any student responsibility. Second, the sentence is generally contradictory and the intent is unclear. Next, this is both an inappropriate role for the board and, for all practical purposes, unreasonable given the normal span of time between board meetings. Lastly, the criteria for approval are not made explicit.

6. Freedom to Participate

Inasmuch as it is a right to attend public school, it is also a right to participate in that which the school has to offer. The rules or regulations which deny a student access to an educational program or school activity must be educationally sound and reasonably applied. The existence of an historical educational practice is not evidence of its reasonableness. In other words, if the practice discriminates through stereotype and custom then it may be illegal (16).

Unacceptable policy, in this case, would be any written or formal policy which discriminates unfairly between students.

It is recommended that districts review and reconsider any policy which prohibits a student from participating in student government solely on the basis of academic achievement.

7. Guarantee of Due Process: Expulsion and Suspension

There have been many court cases on expulsion and suspension of students. Many of these cases have been decided against school authorities through a finding that "due process" (V and XIV Amendments) had been violated (10, 12).

Because due process is a legal concept, it is strongly recommended that the district prepare their policy in this area in some detail and with some care. It is also recommended that the district seek the concurrence of legal counsel in terms of final form.

While that which follows speaks to the expulsion and suspension of students, it is possible that future court cases will insist on the necessity of due process in decisions limiting the student's opportunity to participate in portions of the

school program. As an example, the classification of students for purposes of "tracking" has already come under question in terms of due process. The Department of Education, through regulation, has established due process and appeal procedures for special education placement.

It cannot be stressed too strongly that should school authorities fail to follow due process in the decision to suspend or expel, a contested decision will probably result in a finding against the district, regardless of the nature of the offense.

At the time of publication, the most recent U.S. Supreme Court case on due process is that of Goss vs Lopez.(12) The findings, in the sharply divided court, established the following:

(1) The state must recognize public education as a property interest that is protected by the Due Process clause of the XIV Amendment.

(2) In suspension of 10 days or less, the student must be given oral or written notice of the charges against him and, if he denies them, an explanation of the evidence and an opportunity to present his side of the story.

(3) There need be no delay between the time when "notice" is given and the time of the hearing.

(4) In the process of being given an opportunity to explain his version of the facts at an initial informal discussion, the student must first be told what he is accused of doing and what the basis of the accusation is.

(5) Students whose presence poses a continuing danger to

persons or property, or an ongoing threat of disrupting the academic process may be removed from school immediately, with the necessary notice and rudimentary hearing to follow as soon as practicable.

(6) In suspensions of less than 10 days, it is not necessary that the student have the opportunity to secure counsel, to confront and cross-examine witnesses supporting the charge, or to call his own witnesses to verify his version of the incident.

By State law and regulation, the following constraints shall be applied to any guidelines on suspension or expulsion. While a district policy may be a good deal more explicit than that which follows, it may not contain less in terms of specificity of process.

I. Suspension/Expulsion/Denial of Admission

A school age child may be suspended from or denied admission in the school which he is otherwise entitled to attend only for the following causes: (A.S. 14.30.045)

(1) continued willful disobedience or open and persistent defiance of reasonable school authority;

(2) behavior which is inimicable to the welfare, safety, or morals of other pupils;

(3) a physical or mental condition which in the opinion of a competent medical authority will render the child unable to reasonably benefit from the programs available;

(4) a physical or mental condition which in the opinion

of a competent medical authority will cause the attendance of the child to be inimicable to the welfare of other pupils;

(5) conviction of a felony which the governing body of the district determines will cause the attendance of the child to be inimicable to the welfare or education of other pupils.

Title 4, Alaska Administrative Code, established certain regulations governing suspension or denial of admission (4 ACC 06.060). Note that Alaska exceeds the minimums established in the Goss case in that the regulations provide the student with the opportunity for an appeal of the decision, regardless of the length of the suspension.

The regulations read:

a. In the district schools, the superintendent or principal may suspend pupils under the provisions of AS 14.30.045, and the pupils may be reinstated by the superintendent or principal or by the school board.

b. Expulsion or denial of admission of a pupil shall be only upon the action of the governing school board in a district school.

c. A pupil suspended or expelled under this section may appeal to the district board of education (for the district pupils) or the board (for pupils in state-operated schools).

As the local district prepares its guidelines it may wish to consider the advisability of going into some detail in terms of procedures for suspension and expulsion. Due process involves procedural considerations which may <u>not</u> be arbritrarily

applied in terms of witholding certain options and safeguards from the student and parent. The following was gleaned from a variety of sources and is meant to serve as items for discussion between the local board and their attorney. The Department makes no legal claim as to the sufficiency or acceptability of either the content or the organization of the content.

OUTLINE FOR BOARD/ATTORNEY DISCUSSIONS

I. (state law and regulation).

II. Suspensions of less than 10 days.

a. the student must first be told, orally or in writing, what he is accused of doing and what the basis of accusation is;

b. the student must have the opportunity to present his version of the facts;

c. should the student or his parents request a hearing, the chairperson of the local board shall appoint a neutral hearing authority and an informal hearing shall be held within three days of the suspension. The sole purpose of the hearing will be to determine if the charge leading to suspension was congruent with AS 14.30.045 and if paragraphs (a) and (b) of this section were satisfied;

d. the hearing authority shall make record of findings of fact.

III. Suspensions in excess of 10 days.

In cases involving suspension of over 10 days in duration or denial of admission, except an emergency suspension, the student and his parents shall be given an opportunity, in writing, to request a formal hearing before a neutral hearing authority. (see Section V). If they do not respond within five days, the right to a hearing will be deemed to have been waived and the sanction may be imposed.

IV. Emergency Suspension.

a. In cases where a student is reasonably believed to be a danger to himself, to other students, teachers, school administrators, or disruptive of the educational process, emergency suspension can be ordered by the superintendent or his designee.

b. an emergency suspension does not require an initial hearing in any form, but in the absence of same a written

notice of particulars must be sent to the parents and the student within 24 hours of the suspension.

c. a student on emergency suspension, or his parents, may request an immediate and informal hearing before the proper school authority who shall hold the hearing within three school days of the request.

d. no emergency suspension shall exceed ten school days by which time the student will have been reinstated or given a hearing as above.

V. Formal Hearing Procedures (Suspensions in excess of ten days or denial of admission).

A proper hearing will include the following:

(a) Written notice of charges and recommended actions provided to the student and his parent.

(b) Parent may be present at hearing.

(c) Student/parent may be represented by counsel.

(d) All evidence which is to be submitted may be viewed in advance by the student, including affidavits.

(e) The student shall be permitted to present his version as to the charges, including exhibits and witnesses.

(f) The hearing shall be conducted by an impartial hearing authority (one not involved in bringing the charges or enforcing the sanction), who shall make his determination solely on the evidence presented at the hearing.

(g) A tape recording or other verbatim recording of the hearing shall be made by the school district.

(h) The findings of the hearing authority shall be made in writing, within a reasonable time, and a copy will be provided the student.

The student and his parents shall have five school days after the date of a hearing involving suspension/expulsion to appeal the decision to the school board.

If an appeal is not taken, the decision shall take effect at the end of the five day period. If an appeal is requested the imposition of the sanction shall be stayed, except in the case where emergency suspension was applied.

VI. Appeal Procedure

Proper appeal procedures include the following:

(a) The board shall schedule and hold a meeting to review the matter within ten days from the receipt of such appeal.

(b) At that time the student, his parents and lawyer shall be granted the right to be heard and shall be granted the opportunity to present such witnesses and testimony as the board deems reasonable.

(c) Prior to adjournment, the board shall make its decision known or agree to:

1. Study the hearing record or other materials and make its report within ten school days.

2. Schedule and hold a special meeting to hear further arguments on the case and report its findings within 15 school days, or

3. Hear the case de novo within the formal hearing provisions as previously given, within ten school days.

VII. Records

If the hearing or appeal finds a student innocent, all written entries referring to the incident shall be removed from school records.

8. Guarantee of Due Process: Police, Search, and Seizure

As a result of the upheaval and trauma experienced by some schools during the last decade, many educators found themselves in the position of interacting very heavily with law enforcement personnel. From the experiences learned, certain procedural "ground rules" have emerged. While much of the following refers only indirectly to the student, it is important that students understand what authorities have found to be reasonable, fair, and necessary in terms of applying non-educational law to the school setting. As with the prior section on Due Process, it would serve no purpose to illustrate an unacceptable policy, for variance in procedure is by and large a hazardous undertaking.

OUTLINE FOR BOARD/ATTORNEY DISCUSSION

The following rules shall apply to the presence and authority of police in the public schools:

(a) Police can enter schools if they are invited by school authorities, if they suspect a crime has been committed, or if they have a warrant for search or arrest.

(b) It is the duty of the police, school authorities, teachers, and students to cooperate with each other to insure that the rights and responsibilities of each individual are respected.

(c) If a student is to be questioned by police, it is the responsibility of the school authorities to see that interrogation takes place privately in the office of a school official, and that every effort be made to give a parent an opportunity to be present.

(d) A student need not answer any questions which require more than his name, age, address and business at the school until his parent and/or his lawyer are present.

(e) A student has the right to be informed of his legal rights, to be protected (by school officials if necessary) from coercion and illegal constraint, and the right to remain silent.

The following rules shall apply to the search of school property assigned to a specific student (locker, desk, etc.) and the seizure of items in his possession:

(a) There shall be reasonable cause for school authorities to believe that the possession constitutes a crime or rule violation.

(b) General searches of school property may be conducted at any time.

(c) Search of a specific area assigned to a student should be for a specific item and take place in his presence.

(d) Illegal items (firearms, weapons) or other possessions reasonably determined to be a threat to the safety or security of others may be seized by school authorities.

(e) Items which are used to disrupt or interfere with the educational process may be temporarily removed from student possession.

9. Married and Pregnant Students

The court cases applicable to the status of married and/or pregnant students have occured in other states and not in the federal courts of those states.

If we could assume that an Alaskan court would take a position similar to the Supreme Court of the State of Iowa (13), then it would appear that a local board may establish policy specific to the married or pregnant student.

In addition, courts in other states have determined that a district may restrict the extra-curricular activities of married students.

Until the issue is determined otherwise, an inappropriate statement of policy would be that which denied the married or pregnant student the right to a free public education. The State law of Alaska stipulates that an education shall be made available to all students of school age.

An alternative educational program may be offered for the pregnant student, but the enrollment in such a program must be entirely voluntary.

10. Right to a Free Education

No student may be denied entrance to a school, nor may participation in school activities or programs be limited as a means of collecting fees or fines. Reasonable charges may be made in the case of damage to books or other materials beyond normal wear and tear.

While it is not necessary that this particular issue be included in a district's policy guideline, it is included here to forestall the possibility that a district might inadvertently

establish policy which is contradictory to this basic right.

11. Open Records and Student Privacy

Federal law has established that parents of students have full access to any and all records and data directly related to their children (17). In addition, parents may challenge any information on their child's record which they feel to be inaccurate, misleading, inappropriate, or a violation of privacy or other rights. In addition, it shall be state policy that all students shall have full access to their records. This decision is made in the absence of any compelling arguments for denying a student access to this information. This does not limit the authority or responsibility of the superintendent to rule on the exceptional case.

Because the law in question establishes strict standards on release of information to third parties and the involvement of students in research and experimentation, it would go without saying that school administrators need to become quite familiar with both the law and any regulations which might follow.

UNACCEPTABLE POLICY
Student records shall be open to a student and his parents in terms of any information directly related to academic performance.

This policy, while acceptable in terms of what it says, is unacceptable in terms of what it implies. The implication is that certain kinds of information, such as psychological tests and behavorial records, may be withheld.

IV. Criteria for Review of Local Guidelines

The local school district may develop policy for any area

of school operations, but the minimum which shall be covered are those topics addressed in Section III of this document. As an example, the local district may wish to address the areas of student government, off-campus events, housekeeping rules, student smoking, or any other issue which is of concern to the local district. The state, if requested to review local guidelines, will ask the following questions of each local policy on student rights and responsibility.

1. Is the policy legal, i.e., does it appear to be within that which is allowable under State or Federal law?
2. Is the policy statement clear and reasonably free from ambiguity and vagueness?
3. Is the policy statement such that it clearly limits the potential for arbitrary or capricious action in relation to enforcement?
4. Is the policy enforceable, i.e., does it avoid statements which are unenforceable because of complexity, irrelevance or factors of place and time?
5. In policy which is questionable, is there evidence that the formulation was the result of broadly-based input and concurrence?
6. Is the policy indicative of fairness, openness of decision making, and non-discrimination?
7. Is the policy reasonable and necessary, i.e. would it appear to a reasonable person that the policy is germane to the management and goals

of a public school educational process?

As a final note, local policy guidelines may be unenforceable unless the content of the guidelines are communicated, in a thorough and appropriate manner, to all students.

Reg. 55, October 1975 4 AAC 07.010
4 AAC 07.050

CHAPTER 07. STUDENT RIGHTS AND RESPONSIBILITIES

Section
10. Establishment of District Guidelines and Procedures
20. Departmental Review and Recommendations
30. Distribution of District Policies
40. Mandatory Instruction
50. Review of Policies

4 AAC 07.010 ESTABLISHMENT OF DISTRICT GUIDELINES AND PROCEDURES.
Each school district in the state shall develop and adopt policies regarding student rights and responsibilities. These policies must address both substantive and procedural matters relating to standards of student behavior, treatment, and discipline. All district policies must be consistent with the federal and state constitutions, state statutes and regulations as written or construed by courts of competent jurisdiction. (Eff. 8/30/75 Reg. 55)

AUTHORITY: AS 14.07.020(1)and(2)
AS 14.07.060

4 AAC 07.020. DEPARTMENTAL REVIEW AND RECOMMENDATIONS.
Each district shall submit its adopted policies pertaining to student rights and responsibilities to the Department of Education. If requested, the department will review all policies and notify each district within 60 days of any recommended changes which appear necessary. By January 1, 1976, all districts must have properly promulgated student rights and responsibilities policies in effect. (Eff. 8/30/75, Reg. 55)

AUTHORITY: AS 14.07.020(1)and(2)
AS 14.07.060

4 AAC 07.030. DISTRIBUTION OF DISTRICT POLICIES.
Each district shall make available to students, parents, and all staff persons who deal with students, up-to-date copies of the adopted district student rights and responsibilities policies at the start of each school year. Additionally, throughout the school year, copies of these policies must be posted in accessible locations within school facilities (e.g., bulletin board, teachers' lounges, office, etc.) Eff. 8/30/75, Reg. 55)

AUTHORITY: AS 14.07.020(1)and(2)
AS 14.07.060

4 AAC 07.040. MANDATORY INSTRUCTION.

Each school district shall provide instruction regarding student rights and responsibilities to all students in grades one through twelve. This instruction must be appropriate for the grade level and may be conducted on an orientation (class) basis. (Eff. 8/30/75, Reg. 55)

AUTHORITY: AS 14.07.020(1)and(2)
AS 14.07.060

Reg. 54, July 1975 4 AAC 07.050

4 AAC 07.050. REVIEW OF POLICIES

Since student rights and responsibilities in the public schools are recognized as an ever changing and constantly developing area, each district shall review its policies and make such revisions as statutes, regulations or court decisions make necessary. District reviews shall be accomplished at least once every three years. (Eff 8/30/75, Reg. 55)

AUTHORITY: AS 14.07.020(1)and(2)
AS 14.07.060

1. Antonnelli v. Hammond, 308 F. Supp. 1329 (D. Mass. 1970)

2. Baker v. Downey City Board of Education, 307 F. Supp. 517 C.D. Cal. (1969)

3. Banks v. Board of Public Instruction of Dade County, 314 F. Supp. 285 (S.D. Fla. 1970), 450F. 2d 1103 (5 Cir. 1971)

4. Blackwell v. Issaquena County Board of Education, 363 F. 2d 749 (5 Cir. 1966)

5. Breese v. Smith, 501 P. 2d 159 (Alas. 1972)

6. Brown v. Board of Education, 347 U.S. 483 (1954)

7. Brown v. Greer, 296 F. Supp. 595 (S.D. Miss. 1969)

8. Burkitt v. School District No. 1, Multnomah County, 1950r. 471, 246 F. 2d 566 (1952)

9. Civil Rights Act (1871), 42 U.S.C., Sec. 1983 (1970)

10. Dixon v. Alabama State Board of Education, 294 F. 2d 150 (5 Cir. 1961)

11. Eisner v. Stamford Board of Education, 440 F. 2d 803 (2d. Cir. 1971)

12. Goss v. Lopez, _____U.S. _____, 43 L.W. 4181 (1975)

13. Board of Directors of Independent School District of Waterloo v. Green, 259 Iowa 1260, 147 N.W. 2d 854 (1967)

14. Guzick v. Debrus, 431 F. 2d 594 (6th Cir. 1970), 91 S. Ct. 941 (1971)

15. Jacobs v. Board of School Commissioners, 490 F. 2d 601 (7th Cir. 1973), 94 S. Ct. 2638 (1974)

16. U.S. Public Law 92-318, Title IX

17. U.S. Public Law 93-380 (1974), Title V Sec. 438, 439.

18. Tinker v. Des Moines Independent Community School District, 393 U.S. 503, 89 S. Ct. 733, 736 (1969)

19. Scoville v. Board of Education of Joliet Township High School District 204, 425 F. 2d 10 (7th Cir. 1970), 91 S. Ct. 51 (1970)

20. Sullivan v. Houston Independent School District, 333 F. Supp. 1149 (S.D. Tex. 1971), 475 F. 2d. 1071 (5th Cir. 1973), 94 S. Ct. 461 (1973)

21. W. Virginia State Board of Education v. Barnette, 319 U.S. 624, 63 S. Ct. 1178, 87 L. Ed. 1628 (1943).